

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
COX COMMUNICATIONS LAS VEGAS, INC.	)	
	)	
Complainant	)	Proceeding No. 14-267
	)	File No. EB-14-MD-011
v.	)	
	)	
NV ENERGY, INC.,	)	
	)	
Respondent	)	

**ORDER**

**Adopted: February 11, 2015**

**Released: February 11, 2015**

**By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:**

On December 18, 2014, Cox Communications Las Vegas, Inc. (“CCI-LV”), filed a pole attachment complaint (“Complaint”) in the above-captioned matter pursuant to Section 224 of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> and the Commission’s pole attachment rules,<sup>2</sup> against NV Energy, Inc. (“NVE”).<sup>3</sup> On January 30, 2015, NV Energy, Inc. (“NV Energy”) filed a response (“Response”) to the Complaint pursuant to Sections 1.1407 and 1.1408 of the Commission’s rules.<sup>4</sup> Among other exhibits

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<sup>1</sup> 47 U.S.C. § 224.

<sup>2</sup> 47 C.F.R. §§ 1.1401-1.1424.

<sup>3</sup> *Cox Communications Las Vegas, Inc. v. NV Energy, Inc.*, Proceeding No. 14-267, File No. EB-14-MD-017, Pole Attachment Complaint (filed Dec. 18, 2014).

<sup>4</sup> *Cox Communications Las Vegas, Inc. v. NV Energy, Inc.*, Proceeding No. 14-267, File No. EB-14-MD-017, NV Energy, Inc.’s Response to Cox Communications Las Vegas, Inc.’s Pole Attachment Complaint (filed Jan. 30, 2015); 47 C.F.R. §§ 1.1407-1.1408.

appended to its Response, NV Energy submitted the declarations of two NV Energy employees: Patricia Ortwein and Tania Jarguin.<sup>5</sup>

**I. NV Energy, Inc.'s Consent Motion**

On February 3, 2015, NV Energy filed a consent motion ("NV Energy Consent Motion") to correct what it identifies as "misstatements" in the Ortwein and Jarguin declarations, and to correct references to those misstatements in its Response.<sup>6</sup> To that end, NV Energy has submitted revised declarations that it seeks to substitute for the Ortwein and Jarguin declarations that it submitted with its Response.<sup>7</sup> In order to correct statements in the body of the Response that reference the Ortwein and Jarguin declarations, NV Energy also has submitted corrected pages corresponding to the Response pages that reference the declarations.<sup>8</sup> Finally, NV Energy states that "[c]ounsel for NV Energy has conferred with counsel for [CCI-LV]" and that "[CCI-LV] consents to this Motion to Substitute."<sup>9</sup>

Based on the foregoing, we find good cause to grant the NV Energy Consent Motion. For ease of reference and to avoid confusion regarding citations to the corrected Response, Respondent is instructed to file with ECFS a complete corrected version of its Response that prominently identifies it as a corrected filing. Respondent also shall provide Division staff with a single hard copy of its corrected Response, and an electronic copy via email. In addition, the filing of a corrected Response must be accompanied by a cover letter that references this Order. Finally, we note that the filing of a corrected Response will not affect the previously adopted pleading schedule in this case.

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<sup>5</sup> Response, Exhibit 2 (Ortwein Declaration), Exhibit 4 (Jarguin Declaration).

<sup>6</sup> NV Energy, Inc.'s Consent Motion to Substitute (filed Feb. 3, 2015). According to NV Energy, the Ortwein Declaration erroneously references an applicant's request to attach to 10 of Respondent's poles, when the actual request involved 14 poles. NV Energy also states that three photographs in the Jarguin Declaration contain incorrect descriptions and it therefore seeks to revise the descriptive text accompanying those photographs. NV Energy states that, apart from these changes, the remainder of the Ortwein and Jarguin declarations is unchanged from the version filed on January 30, 2015. *Id.* at 2, 3.

<sup>7</sup> *Id.* at 2, 3 & Exhibits 1, 3.

<sup>8</sup> *Id.* at 2, 3 & Exhibits 2, 4.

<sup>9</sup> *Id.* at 3.

## **II. CCI-LV's Consent Motion**

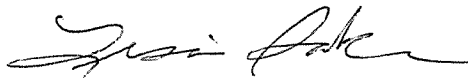
On February 4, 2015, CCI-LV filed a consent motion ("CCI-LV Consent Motion") to substitute Nevada Power Company, Inc. d/b/a NV Energy, in place of NV Energy, Inc., as the Respondent in the above-captioned proceeding.<sup>10</sup> CCI-LV explains that the parties have agreed that the allegations in the Complaint "alleged conduct and concerned poles owned by Nevada Power Company, Inc."<sup>11</sup> Therefore, CCI-LV states that "[c]ounsel for CCI-LV has conferred with counsel for Respondent" and that "Respondent consents to the requested substitution of parties."<sup>12</sup>

Based on the foregoing, we find good cause to grant the CCI-LV Consent Motion. The parties are instructed to ensure that the caption and content of all future filings identify Nevada Power Company, Inc. d/b/a NV Energy as the Respondent in the above-captioned proceeding.

## **III. Ordering Clause**

Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 224, of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and sections 1.1401-1.1424 of the Commission's Rules, 47 C.F.R. §§ 1.1401-1.1424, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the NV Energy Consent Motion and the CCI-LV Consent Motion are hereby GRANTED and that the Order is ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION



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Lisa Saks, Deputy Chief  
Market Disputes Resolution Division  
Enforcement Bureau

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<sup>10</sup> CCI-LV Consent Motion for Substitution of Parties (filed Feb. 4, 2015).

<sup>11</sup> *Id.* at 1.

<sup>12</sup> *Id.*